

REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks are respectfully requested.

The several claims currently submitted are editorial in nature, intended only to correct grammatical errors or other informalities. None of the current amendments are submitted in response to any of the outstanding rejections. Favorable consideration is requested.

Claims 1, 2 and 24 were rejected under 35 U.S.C. §102(e) as being anticipated by Kanuri, (U.S. Patent 6,934,260; hereafter “Kanuri”). The Applicants respectfully traverse this rejection, and further request that the rejection be reconsidered and withdrawn.

In particular, the Applicants submit that the current rejection does not meet the requirements for anticipating a claim under 35 U.S.C. §102(a), as set forth in MPEP §2131, which states, in part:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference, *Verdegaal Bros. v. Union Oil co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Applying this standard to the currently rejected claims leads to the clear conclusion that Palm does not anticipate the claimed features.

Independent **Claim 1** recites:

1. A data switch comprising:
a plurality of ingress/egress ports for transmitting data packets including a MAC destination address and a MAC origin address, the plurality of ingress/egress ports including a first ingress/egress port and a plurality of other ingress/egress ports; and
address table construction means for generating a table containing associations between the ports of the switch and MAC addresses of any devices connected to the switch via those ports,
wherein the address table construction means is switchable between a first operating state and a second operating state, the address table construction means being operable to
insert said associations into said table for each of the first and the plurality of other ingress/egress ports when in the first operating state, and
stop generation of the table with respect to the first ingress/egress port before MAC addresses of at least some devices operably coupled through the first ingress/egress port are associated with the first ingress/egress port in the table when in the second operating state.

The Applicants respectfully submit that, among the elements not found, “either expressly or inherently,” in Kanuri is the above-highlighted “address table construction means.”

In particular, with regard to the claimed “address table construction means,” the rejection first points to Kanuri, col. 3, lines 61 – 63 to establish the presence of address table 30 for storing a MAC address for each network node. Next, the rejection points to Kanuri, col 4, lines 58 – 63, which describes, with reference to Fig. 3:

...each of the network switch ports 20 has a corresponding learning bit which, when set, causes

the switch fabric 25 to learn layer 2 and layer 3 addresses of the data packets received by the corresponding switch port 20. Hence, the host CPU 26 begins in step 40 by setting the learning bit on all the ports to "1." The host CPU 26 then identifies the router interface port 20d that is configured for sending and receiving data packets to the router 16 in step 42. The host CPU 26 then disables (i.e., it resets) the learning bit to zero on the router interface port in step 44. After the learning bit has been disabled on the router interface port 20d, the network switch 12 is ready to begin switching data packets. (Kanuri, col. 3, line 58 – col. 4, line 3).

However, while describing a correspondence between layer 2 and layer 3 addresses and a corresponding port and describing a port for sending and receiving packets to the router being identified, the latter cited portion of Kanuri fails to bridge the technical gap left between the earlier cited portion of Kanuri and rejected **Claim 1**. In particular, nowhere in Kanuri is there described "a table containing associations between the ports of the switch and MAC addresses of any devices connected to the switch via those ports." Even more specifically, the latter cited portion of Kanuri fails to provide any correspondence between the MAC addresses for each network node stored in address table 30 and any of the ports 20. Clearly, there is no teaching, or even suggestion, that, when the learning bit of the respective ports 20 is set, that the address table 30 is provided with such correspondence in any manner.

Therefore, it is respectfully submitted that independent **Claim 1** and its corresponding dependent **Claim 2** are distinguishable over Kanuri.

Further, **Claim 24** was rejected under the same rationale as **Claim 1**. While the Applicants do not acquiesce to the implication that these independent

claims are identical, in terms of features or scope, to the extent that **Claim 24** recites features similar to **Claim 1**, it is respectfully submitted that **Claim 24** is distinguishable over Kanuri for at least the reasons set forth above.

The Applicants respectfully request that the rejection under 35 U.S.C. §102(e) be reconsidered and withdrawn.

Rejections Under 35 U.S.C. §103(a)

The outstanding Office Action includes the following rejections under 35 U.S.C. §103(a):

- a) **Claims 11, 12, 17 – 20, 25, and 26** were rejected as being unpatentable over Kanuri in view of Fisher, *et al.*, (U.S. Patent 6,931,018; hereafter “Fisher”); and
- b) **Claims 13 – 16 and 21** were rejected as being unpatentable over Kanuri in view of Fisher and further in view of Kramer, *et al.*, (U.S. Patent 6,658,027; hereafter “Kramer”).

The Applicants respectfully traverse both of rejections (a) and (b), and further request that these rejections be reconsidered and withdrawn.

Claims 11 and 12 depend from **Claim 1**, either directly or indirectly, and are therefore distinguishable over Kanuri for at least the reasons set forth above regarding the rejection under 35 U.S.C. §102(e). Further, Fisher does not bridge the aforementioned technical gap between **Claim 1** and Kanuri, nor are any arguments to that effect offered in the rejection. That is, Fisher does not provide any explicit or implicit disclosure that would, with respect to the features depicted

in Fig. 3 of Kanuri, provide any correspondence between the MAC addresses for each network node stored in address table 30 and any of the ports 20.

Therefore, as a result of their dependencies, **Claims 11 and 12** are fundamentally distinguishable over Kanuri and Fisher; and thus the Applicants respectfully submit that there is no need to address the merits of Fisher as discussed in the present rejection although the Applicants do not necessarily acquiesce to the characterization of Fisher relative to **Claims 11 and 12**.

Independent **Claim 17**, from which **Claims 18 – 20** depend, recites:

A method of operating a data switch comprising a first ingress/egress port and a plurality of other ingress/egress ports, the method including:

generating a table containing associations between the first and the plurality of other ingress/egress ports of the switch and MAC addresses of any devices connected to the switch thereby when the data switch is in a first operating state;

switching the data switch to a second operating state;

stopping generation of the table with respect to the first ingress/egress port before MAC addresses of at least some devices operably coupled through the first ingress/egress port are associated with the first ingress/egress port in the table; and

discarding a data packet received from the first ingress/egress port that does not have a destination address associated according to the table with any of the other ingress/egress ports.

As set forth above regarding the rejection of **Claim 1** under 35 U.S.C. §102(e), Kanuri fails to provide any correspondence between the MAC addresses for each network node stored in address table and any of the ports, regardless of whether the data switch is in a first operating state. Fisher does not provide any explicit or implicit disclosure to provide for such correspondence. Thus, as with **Claims**

11 and 12, thus the Applicants respectfully submit that there is no need to address the merits of Fisher as discussed in the present rejection, although the Applicants do not necessarily acquiesce to the characterization of Fisher relative to **Claims 17 - 20**.

Claims 25 and 26 depend from **Claim 24**, either directly or indirectly, and are therefore distinguishable over Kanuri for at least the reasons set forth above regarding the rejection under 35 U.S.C. §102(e). Further, Fisher does not bridge the aforementioned technical gap between **Claim 24** and Kanuri, nor are any arguments to that effect offered in the rejection. That is, Fisher does not provide any disclosure that would even suggest correspondence between the MAC addresses for each network node stored in address table 30 and any of the ports 20.

Therefore, as a result of their dependencies, **Claims 25 and 26** are fundamentally distinguishable over Kanuri and Fisher; and thus the Applicants respectfully submit that there is no need to address the merits of Fisher as discussed in the present rejection nor do the Applicants acquiesce to the characterization of Fisher relative to **Claims 25 and 26**.

For at least the reasons set forth above, the Applicants respectfully request that **rejection (a)** under 35 U.S.C. §103(a) be reconsidered and withdrawn.

With regard to **rejection (b)**, **Claims 13 - 16** depend from independent **Claim 1** and **Claim 21** depends from independent **Claim 17**, either directly or indirectly, and are therefore distinguishable over Kanuri for at least the reasons

set forth above. Further, neither Fisher nor Kramer bridges the aforementioned technical gap between **Claims 1 and 17** and Kanuri, nor are any arguments to that effect offered in the rejection. That is, neither Fisher nor Kramer provide any disclosure that would teach or suggest any correspondence between the MAC addresses for each network node stored in address table 30 and any of the ports 20 (see Kanuri, Fig. 2).

Therefore, as a result of their dependencies, **Claims 13 - 16 and 12** are fundamentally distinguishable over Kanuri, Fisher, and Kramer; and thus the Applicants respectfully submit that there is no need to address the merits of Fisher and Kramer as discussed in the present rejection. Further, to avoid any prejudice, the Applicants do not acquiesce to the characterization of Fisher and Kramer relative to **Claims 13 – 16 and 21**.

As a result, for at least the reasons set forth above, it is respectfully submitted that **rejection (b)** under 35 U.S.C. §103(a) should be reconsidered and withdrawn.

Conclusion

The remaining references of record have been studied. It is respectfully submitted that they do not compensate for the deficiencies described above with regard to rejected the presently rejected claims.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and early and forthright issuance of a Notice to that effect is earnestly solicited.

Respectfully Submitted,
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